IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Revision No.2185 of 2006

DATE OF DECISION: OCTOBER 30, 2006

Vijay Singh

...PETITIONER

VERSUS

Janak Kumar and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S.Godara, Advocate,
for the petitioner.

...

Petitioner Vijay Singh (complainant) has filed this criminal revision against the order dated 28.4.2006 passed by the Additional Sessions Judge, Fatehabad, whereby while allowing the revision petition filed by the accused respondents, the summoning order dated 12.7.2005 passed by the JMIC, Fatehabad, summoning them under Sections 193/197/199/218/120-B IPC, was set aside and the complaint filed by the petitioner was dismissed while holding that there is not even an iota of prima-facie evidence showing the commission of the alleged offence by the accused respondents.

I have heard the counsel for the petitioner and gone through the order dated 12.7.2005 passed by JMIC, Fatehabad as well as the impugned order dated 28.4.2006 passed by the Additional Sessions Judge, Fatehabad.

In this case, it has been alleged that the accused respondents in connivance with process server, had obtained a false report of refusal of summons and on the basis of that false report, had obtained an exparte decree. As per the report (Ex.P6), petitioner Vijay Singh met the process

server in his Dhani but refused to accept the summons. It is the case of the petitioner that the said report is forged and fabricated and the same has been made in collusion with accused Janak Kumar etc. The Additional Sessions Judge, Fatehabad while taking into consideration the preliminary evidence brought on record by the petitioner, came to the conclusion that subsequently the petitioner moved the application for setting aside the exparte proceedings. In that application, he never pleaded that he had not received the notices or that the report made by the process server was fabricated and a forged document. It has been noticed that the said application was allowed and subsequently the suit for recovery was decreed against the petitioner. It has been found by the Additional Sessions Judge that from the evidence available on the record, the entire story put forward by the petitioner that he came to know about the forged report from the process server only after moving an application for setting aside the exparte proceedings, is after thought.

In view of the aforesaid, I do not find any illegality or perversity in the impugned order dated 28.4.2006 passed by the Additional Sessions Judge, Fatehabad and the same does not require any interference in the revisional jurisdiction of this Court.

Dismissed.

October 30, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE